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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,901	03/23/2004	Jason T. Hensley	F02.2-11307-US01	2403
490	7590	11/28/2006	EXAMINER:	
VIDAS, ARRETT & STEINKRAUS, P.A. 6109 BLUE CIRCLE DRIVE SUITE 2000 MINNETONKA, MN 55343-9185			EWALD, MARIA VERONICA	
			ART UNIT	PAPER NUMBER
			1722	

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,901

Applicant(s)

HENSLEY ET AL.

Examiner

Maria Veronica D. Ewald

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2 and 6-10 is/are allowed.
- 6) ☒ Claim(s) 3-5, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/16/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION***Allowable Subject Matter***

13. Claims 1 – 2 and 6 – 10 are allowed. The following is a statement of reasons for the indication of allowable subject matter: The closest prior art references of Vappula (U.S. 2003/0189158 A1) and Wilson (U.S. 5,393,033) fail to teach in a machine for casting concrete panels, linkage members pivotally linking the side forms to a fixed position to allow up and down movement which keeps the side forms vertical at all times with respect to said casting bed, the linkage members pivotally linking said side forms such that the side forms move up, down, and back and forth but not outwardly from the casting bed. With respect to the reference of Vappula, Vappula teaches a magnetic clamp and pivoting lever system which keeps the side forms fixed in a vertical position at all times; *however, there is no up and down movement nor any back and forth movement.* The clamp and lever system holds the side forms in place during casting and once casting is completed, the clamp is released and the side form is elevated to remove the finished block. With respect to the reference of Wilson, Wilson teaches linkage members; *however, the linkage members allow movement outwardly from the casting bed.*

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 – 5, 11 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Cashion (U.S. 4,289,293). Wilson teaches a machine for casting concrete panels on a casting bed, said casting bed including a bottom and a pair of opposing parallel side forms, the improvement comprising: each of said side forms being attached to said casting bed by linkages that allow said side forms to move up, down, forward and backward and not laterally such that said side forms may be raised and lowered in a vertical orientation (column 3, lines 15 – 20, 25 – 35, 45 – 55); wherein said side form linkages allow the side form to be fixed at more than one point to create a variable height casting bed (column 3, lines 25 – 35, 45 – 60) wherein said side form linkages include linkage arms connected to said side forms and to a fixed point (figure 5; column 3, lines 50 – 60); wherein said linkages provide the function of vertical movement of said side forms and allow the side forms to be fixed at more than one point (column 2, lines 1 – 10, 38 – 43) and wherein said side forms include a mechanism to lock the side form at any of a plurality of different heights (column 2, lines 38 – 42). Wilson, however, does not teach that the casting bed is movable along a set of rails, though it is known to one of ordinary skill in the art that casting beds can be of a fixed typed, immovable and mounted firmly on a structure to the ground, or movable, such that it is mounted on a track or rail.

For example, in a method to cast concrete structures, Cashion teaches that the casting bed can be fixed to the ground via a concrete base or movable on transverse tracks (column 5, lines 45 – 50, 60 – 63). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to configure the apparatus of Wilson such that it can be mounted on a rail system and thus, allow the casting bed to be movable, as shown by Cashion.

Response to Arguments

15. Applicant's arguments, see page 7, filed September 21, 2006, with respect to claims 1 – 2 and 6 – 10 have been fully considered and are persuasive. Thus, the rejection of claims 1 – 2 and 6 – 10 has been withdrawn. However, Examiner maintains the rejection with respect to claims 3 – 5 and 11 – 12. Applicant has argued that Wilson fails to teach any other movement other than a simple up and down movement; however, Examiner disagrees. Wilson teaches movement that is up and down (see Figures 5 – 6) *and forward and backward* (see Figure 4).

The forward and backward movement is *movement forwards or towards the casting bed and backward or away from the casting bed*, as shown in Figure 4.

Applicant has not specified the backwards and forwards motion with respect to a point or position, and *thus, the side forms of Wilson move forwards and backwards, with respect to the casting bed. In addition, the side forms of Wilson can be raised and lowered in a vertical orientation and do not move laterally.*

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Veronica D. Ewald whose telephone number is 571-272-8519. The examiner can normally be reached on M-F, 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVE



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